

REMARKS/ARGUMENTS

This Reply is in response to the Examiner's Answer dated November 6, 2009, in which the Examiner entered a new ground of rejection. In particular, as the new ground of rejection, the Examiner rejected Claims 1, 4, 9, 11, 16, 21, 24, 29, 30, and 40 under 35 U.S.C. § 101 for being directed to nonpatentable subject matter. In response to the Examiner's Answer and in accordance with MPEP § 1207.03, Applicant respectfully requests that (a) prosecution be reopened, (b) the arguments submitted in the Appeal Brief filed July 16, 2007, and the Reply Brief filed January 29, 2008, be incorporated by reference into this Reply, and (c) the application be reconsidered with the foregoing amendments and incorporated arguments. The amendments include (a) amending Claims 1, 4, 9, 11, 16, 20-21, 24, 29-30, and 40 and (b) canceling 3, 5-8, 12-15, 18-19, 22-23, 25-28, and 31-39. Thus, as a result of this Reply, Claims 1, 4, 9, 11, 16, 20-21, 24, 29-30, and 40 are pending in the application.

The foregoing is submitted as a full and complete response to the Examiner's Answer dated November 6, 2009. The foregoing amendments and remarks are believed to have placed the present application in condition for allowance, and such action is respectfully requested. The Examiner is encouraged to contact Applicant's undersigned attorney at (404) 881-4381 or e-mail at dane.baltich@alston.com to resolve any remaining issues in order to expedite examination of the present application.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,

/Dane A. Baltich/

Dane A. Baltich
Registration No. 55,274

Appl. No.: 09/851,480
Amdt. dated December 28, 2009
Reply to Office Action of November 6, 2009

Customer No. 00826

ALSTON & BIRD LLP

Bank of America Plaza
101 South Tryon Street, Suite 4000
Charlotte, NC 28280-4000
Tel Atlanta Office (404) 881-7000
Fax Atlanta Office (404) 881-7777

ELECTRONICALLY FILED USING THE EFS-WEB ELECTRONIC FILING SYSTEM OF THE UNITED STATES PATENT & TRADEMARK OFFICE ON December 28, 2009.